



## Grand Junction Planning Commission

### Regular Session

Item #2.

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**Meeting Date:** October 12, 2021  
**Presented By:** Senta Costello, Planner  
**Department:** Community Development  
**Submitted By:** Senta Costello, Associate Planner

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### Information

#### **SUBJECT:**

Consider a request by Darin Carei to rezone 0.276 acres from R-5 (Residential 5 du/ac) to C-1 (Light Commercial), located at 2894 Presley Avenue. | [Staff Presentation](#) | Phone-in comment code **7063**.

#### **RECOMMENDATION:**

Staff recommends approval of the request.

#### **EXECUTIVE SUMMARY:**

The Applicant, Darin Carei, is requesting a Comprehensive Plan Amendment from Residential Medium (5.5 – 12 du/ac) to Commercial and a rezone of one parcel totaling approximately 0.276 acres located at 2894 Presley Avenue, more particularly described as Lot 1, Block 1 of the Graff Meadows Filing One subdivision, from R-5 (Residential 5 du/ac) to C-1 (Light Commercial). The requested C-1 (Light Commercial) zone district would be consistent with the Comprehensive Plan Land Use Map designation of Commercial, if approved.

#### **BACKGROUND OR DETAILED INFORMATION:**

The 0.276-acre parcel is located just west of the northwest corner of 29 Road and Presley Avenue, adjacent to Graff Dairy. The property was originally platted as a part of Lot 1, Woodsmoke Subdivision in 1982, replatted in 1998 as a part of Lot 2, Graff Minor Subdivision and most currently platted as Lot 1, Block 1 of Graff Meadows Filing One subdivision, intended for a single-family house. Located directly to the east is Graff Dairy, an ice cream shop/dairy originally opened in 1964. The business closed in 2014 but was purchased and reopened in 2015 by Mr. Carei. In the last 6 years the business has flourished, creating traffic and circulation problems on the property and

surrounding streets.

Mr. Carei proposes to rezone the residential lot in Graff Meadows Filing One, combine it with the Graff Dairy property at 581 29 Road, more particularly described as Lot 1 of Graff Minor Subdivision and make site improvements for additional parking and improved overall circulation for the business and motorists on surrounding streets. Simple Subdivision and Site Plan Review applications have been submitted for the proposed improvements.

For the property to be rezoned to the requested C-1 zone district, a Comprehensive Plan Amendment is required. The applicant has submitted for a Comprehensive Plan amendment concurrent with the rezone request and this staff report and accompanied ordinance provides for concurrent consideration by Planning Commission and City Council. Without a change to the Land Use Map as requested in the Comprehensive Plan Amendment, the rezone request to C-1 is not supported by the Comprehensive Plan. Support for a rezone to C-1 is conditioned upon an amendment to the Land Use Map of Commercial for the property.

#### COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

Presently, the Comprehensive Plan designates the property's land use as Residential Medium (5.5 – 12 du/ac). The Applicant is requesting to change the Land Use Map from Residential Medium to Commercial to allow for light commercial land uses.

The primary land uses found in the Commercial land use category are commercial, offices, retail, medical campus/hospitals and service-oriented uses. The secondary land uses include higher density housing, small warehouses, lighter industrial uses such as manufacturing, assembly, technology and distribution, places of worship and other public/institutional uses.

The area surrounding this site is designated on the Land Use Map as Residential Medium to the north, south and west, and Commercial to the east on the Graff Dairy site.

#### REZONE REQUEST

The Applicant is interested in preparing the property for future development that is proposed to include additional parking and circulation for the Graff Dairy customers and employees.

In addition to the C-1 (Light Commercial) zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designations of Commercial:

- a. Mixed Use (M-U)
- b. Business Park (BP)
- c. Industrial/Office Park (I-O)
- d. General Commercial (C-2)

- e. Mixed Use Residential (MXR-8)
- f. Mixed Use General (MXG – 3, 5, 8)
- g. Mixed Use Shopfront (MXS – 3, 5, 8)
- h. Mixed Use Opportunity Corridor (MXOC)

In reviewing the other zoning district options for the proposed Commercial category, the M-U, BP and C-2 zone districts allow for retail and food production type developments.

The property adjacent to the subject property to the north, south and west are zoned east zoned R-5, established under the 2020 Comprehensive Plan's land use designation for Residential Medium (5.5 to 12 du/ac). The zoning east of subject property (Graff Dairy site) is zoned C-1 (Light Commercial).

#### NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on December 7, 2020 virtually in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Two neighbors attended the meeting. They were supportive of the project overall as well as the rezone to facilitate an improved site layout and traffic circulation.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on December 28, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on September 17, 2021 and again October 1, 2021. The notice of this public hearing was published on September 21, 2021 and October 5, 2021 in the Grand Junction Daily Sentinel.

#### ANALYSIS - COMPREHENSIVE PLAN AMENDMENT

The criteria for review are set forth in Section 21.02.130 (c) (1). The criteria provide that the City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and at least one of the criteria outlined below;

- (1) Subsequent events have invalidated the original premises and findings; and/or

The decision to designate the property as Residential Medium Land Use under the Comprehensive Plan was made approximately nine months ago with the adoption of the One Grand Junction Comprehensive Plan. No substantial changes to the infrastructure, development context, or development potential of the subject property has occurred

since that time. Therefore, staff finds that this criterion is not met.

- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character of the area has not been changed in a substantive way since the Comprehensive Plan was adopted. The surrounding land-uses remain predominately residential and consist of medium-density residential development. Therefore, staff finds this criterion is not met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

The subject property is within an urbanized area of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to serve uses associated with the Commercial Future Land Use designation. The type and scope of land use allowed within the Commercial Future Land Use designation is similar in character and extent to the existing non-residential land use of nearby properties, which contain a mix of office, retail, restaurant and multifamily uses. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Commercial and employment opportunities such as retail, offices, and restaurants are found nearby along Patterson Road. Additionally, multi-modal access to the site is sufficient, with 29 Road having dedicated bike lanes, and multiple Grand Valley Transit (GVT) routes and stops in close proximity. The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Graff Dairy has been a historical use in the area, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has grown to a point that on-site parking, access and circulation have become problematic with customer lines trying to access the site backing up in both directions within the 29 Road right-of-way. While the subject site does provide a unique opportunity to preserve and potentially expand the existing Dairy use to the east, providing the opportunity to alleviate the growing traffic and circulation issues and facilitating it being able to remain in the neighborhood, there is nothing that suggests that there is an inadequate supply of land available that can accommodate the proposed land use. Based on these considerations, staff finds that this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Graff Dairy has been a historical use in the area, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has grown to a point that on-site parking, access and circulation have become

problematic with customer lines trying to access the site backing up in both directions within the 29 Road right-of-way. The subject site provides a unique opportunity to preserve and expand the existing Dairy use west, providing the opportunity to alleviate the growing traffic and circulation issues and facilitating it being able to remain in the neighborhood. The site's location is well-served by transportation infrastructure, utilities, and other community facilities. As such, staff finds this criterion has been met.

Changes are consistent with the vision, goals and policies of the Comprehensive Plan. Implementing the Comprehensive Plan. The proposed Land Use Map Amendment to Commercial implement's the following Plan Principles, goals and policies of the Comprehensive Plan:

Principle 2.1: Resilient and Diverse Economy – Foster a vibrant, diverse, and resilient economy

Principle 2.3 – Promote Business Growth for a Diverse and Stable Economic Base

#### ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

(1) Subsequent events have invalidated the original premise and findings; and/or

The decision to designate the property as Residential Medium Land Use under the Comprehensive Plan was made approximately nine months ago with the adoption of the

One Grand Junction Comprehensive Plan with the Graff Dairy site to the east having a Commercial designation. The property was originally platted as part of the Graff Meadows Filing 1 Subdivision as a lot for a new single family house. During that time the Graff Dairy business to the east has continued to thrive and grow. This lot is directly abutting the Dairy site along the full length of its eastern border, sits on the edge of the residential subdivision and has remained vacate since recording of the plat. However, no substantial changes to the infrastructure, development context in the neighborhood, or development potential as originally planned of the subject property has occurred. Therefore, staff finds that this criterion is not met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The construction of the viaduct over the railroad tracks further south on 29 Road in 2011-2012 increased the ease of accessibility along the 29 Road corridor, changing the character of the area to a more commercial corridor along the northern end as 29 Road approaches Patterson Road. However, there have not been changes in the character and/or conditions in the area, since the current 2020 Comprehensive Plan was

adopted. Therefore, staff finds that this criterion has not been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

The subject property is within an urbanized area of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to serve uses associated with the C-1 zone district. The type and scope of land use allowed within the C-1 zone district is similar in character and extent to the existing land use of nearby properties, which contain a mix of office, retail, restaurant and multifamily uses. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Commercial and employment opportunities such as retail, offices, and restaurants are found nearby along Patterson Road. Additionally, multi-modal access to the site is sufficient, with 29 Road having dedicated bike lanes, and multiple Grand Valley Transit (GVT) routes and stops in close proximity. The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The existing zoning of R-5 is not limited, accounting for approximately 6% of all property within the City limits. The proposed zoning of C-1 is also not limited, accounting for 6% of all property within the Grand Junction City limits.

While the subject site does provide a unique opportunity to preserve and potentially expand the existing Dairy use to the east, facilitating it being able to remain in the neighborhood, there is nothing that suggests that there is an inadequate supply of land available that can accommodate the proposed land use. Based on these considerations, staff finds that this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Graff Dairy has been a historical use in the area, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has grown to a point that on-site parking, access and circulation have become problematic with customer lines trying to access the site backing up in both directions within the 29 Road right-of-way. The subject site provides a unique opportunity to preserve and expand the existing Dairy use west, providing the opportunity to alleviate the growing traffic and circulation issues and facilitating it being able to remain in the neighborhood. The site's location is well-served by transportation infrastructure, utilities, and other community facilities. As such, staff finds this criterion has been met.

## RECOMMENDATION AND FINDINGS OF FACT

After reviewing Mr. Carei's Comprehensive Plan Amendment from Residential Medium to Commercial and rezone from R-5 to C-1 requests, RZN-2020-739, for the property located at 2894 Presley Avenue, the following findings of fact and condition have been made:

On the request for an amendment to the Comprehensive Plan, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.130(c)(1) of the Zoning and Development Code.
- 2) The request is consistent with the vision, goals and policies of the Comprehensive Plan.

On the request for rezoning, the following findings of fact have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the requested Comprehensive Plan Amendment and Rezone requests.

### **SUGGESTED MOTION:**

Two separate motions (Motion 2 cannot be approved without approval of Motion 1)

Motion 1: Mr. Chairman, on the Comprehensive Plan Amendment request for the property located at 2894 Presley Avenue, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

Motion 2: Mr. Chairman, on the rezone for the property located at 2894 Presley Avenue, City file number RZN-2020-739, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report and with the condition that City Council approves the Comprehensive Plan Land Use Map Amendment to Commercial.

### **Attachments**

1. Maps
2. Combined CPA and Zoning Ordinance